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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

1. The year 1999 saw the issue of the right to self-determination reach the headlines of virtually every newspaper in the world through the events in Kosovo and East Timor. In Kosovo, the North Atlantic Treaty Organization (NATO) intervened to prevent the Government of Yugoslavia from denying, through systematic ethnic cleansing, the right of the Kosovars to self-determination. In East Timor, the United Nations intervened to prevent militants from using violence to undermine the results of a peaceful referendum by the East Timorese exercising their right of self-determination, which the Government of Indonesia finally acknowledged after more than 20 years of colonial occupation.

2. In both cases, the failure to recognize a people's right to self-determination led to violent conflict. In both cases, the international community finally acted upon the realization that only through the exercise of the right of self-determination can long-term solutions be found to violent ethnic conflict and systematic human rights abuses. Tibet is another example where the international community's attention to the Tibetan people's right to self-determination can bring an end to decades of political repression, cultural destruction and other human rights abuses against the Tibetan people. It can also prevent the possibility that years of ignoring the Tibetan people's non-violent campaign to win respect for their fundamental rights will create a level of frustration sufficient to trigger violence in Tibet.

3. Several international treaties and declarations, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action, acknowledge the legal right of all peoples to "freely determine their political status and freely pursue their economic, social and cultural development". The United Nations General Assembly has twice recognized the Tibetan people's right to self-determination in its resolutions 1723 (XVI) (1961) and 2079 (XX) (1965). The Tibetans, with their distinct language, history and culture, are indisputably a "people" to whom the right of self-determination attaches.

4. The objection that the right of self-determination must give way to China's claim of territorial integrity is misplaced for several reasons. First, the right of self-determination is the right to a choice of political status. It does not necessarily mean independence. Thus, the Tibetan people could reasonably decide to evolve an arrangement whereby the Tibetan people would obtain genuine self-rule within the boundaries of the Chinese State, preserving China's territorial integrity while at the same time giving the Tibetan people the opportunity in fact to determine their economic, social and cultural development. Indeed, His Holiness the Dalai Lama has proposed just such an arrangement. Given the Tibetan people's legal right to self-determination, the failure of the international community to support actively the exercise of that right is both legally insupportable and morally unconscionable.

5. Second, while the right of self-determination is not absolute, neither is the right of territorial integrity. The Vienna Declaration and Programme of Action, adopting language from the United Nations Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, acknowledges that the right of self-determination should not undermine "the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of

any kind". As the International Commission of Jurists, among others, have pointed out, this language imposes a requirement of legitimacy on a State. A State that oppresses, destroys or exploits a people, and fails to promote and protect the fundamental human rights of the people without discrimination, ceases to be legitimate as to that people and cannot claim a right of territorial integrity as against the people's claim of self-determination.

6. The violation of human rights in Tibet by the Government of China started with the entry of armed troops into Tibet in 1949 and continues to the present. The abuse spans a broad spectrum of human rights which the Tibetans are entitled to enjoy, including such practices as suppression of religion (such as the interference in the selection of the eleventh Panchen Lama, the banning of photographs of the Dalai Lama and periodic "re-education" campaigns in the monasteries and nunneries), population transfer (through the coerced transfer of cadres and encouragement of Chinese resettlement through subsidies, incentives and infrastructure projects), denial of reproductive rights (forced and coerced abortions and sterilizations), discrimination in employment, education and housing, suppression of the Tibetan language, destruction of the environment (through excessive logging, overgrazing and farming, and careless mining practices), enforced disappearances and incommunicado detention (the most notable example of which is the 10-year-old eleventh Panchen Lama, Gedhun Choekyi Nyima), denial of freedom of expression and wrongful arrest (through the detention of any Tibetan expressing any objection to Chinese rule or Chinese policies), torture (routinely used in detention centres and prisons against Tibetan political prisoners), and arbitrary execution (the killing by torture and abuse of Tibetan political prisoners, which is increasing in frequency).

7. Increasingly, the Government of China has acknowledged official policies which have had the purpose and/or the effect of denying Tibetans their fundamental human rights, for example in the areas of suppression of religion, population transfer (e.g. the World Bank-funded China Western Poverty Reduction Project), childbirth restrictions, discrimination in education, and denial of freedom of expression. The persistent denial of human rights in Tibet, then, is more than a case of mere governmental indifference to one of its "minority" populations. The human rights violations in Tibet evidence a governmental policy to deprive the Tibetan people of any ability to express a political identity and to eviscerate the social, cultural and economic ties which have bound the Tibetans together historically as a people.

8. The Government of China has therefore ceased to be the legitimate Government for the Tibetan people and cannot claim a right of territorial integrity as against the Tibetans' right to self-determination. The opportunity exists now, however, to resolve peacefully both the Tibetan claim to self-determination and the Chinese claim to territorial integrity. Within the framework of the Tibetans' non-violent campaign to secure protection for their fundamental human rights under the leadership of His Holiness the Dalai Lama, the international community can act now to avoid the kind of violent conflict that has torn apart other regions of the world.

9. Tibet can be a model for the kind of non-violent conflict resolution which has eluded the international community in so many other places, largely because the international community failed to act with foresight before it was too late. We therefore urge the Commission to take the first step towards peaceful resolution of the terrible human rights situation in Tibet by resolving to support the Tibetans' fundamental human rights, specifically their right to self-determination.

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REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[1 January 2000]

GE.00-10576 (E)

Question of population transfer

1. This Commission, through its Sub-Commission on the Promotion and Protection of Human Rights, has paid continuing attention to the problems of forced population transfer, as evidenced by the Sub-Commission's resolution 1998/27, calling for further study in light of the preliminary (E/CN.4/Sub.2/1993/17 and Corr.1) and final (E/CN.4/Sub.2/1997/23) reports of the Special Rapporteur on population transfer. These reports recognize that population transfers, including the implantation of settlers, affect the basic human rights of inhabitants and settlers. We would like to comment here on the human rights problems created by the large-scale but incremental implantation of Chinese settlers into Tibet and urge the Commission to give priority in its own agenda to problems of population transfer.

2. The Special Rapporteur's final report defines unlawful population transfer as "a practice or policy that has the purpose or effect of moving persons into or out of an area, whether within or across an international border, or into or out of an occupied territory, without the free and informed consent of the transferred population or any receiving population" (para. 66). The suffering of those driven out and the instability and continued conflict created by the transplantation of occupying settlers are obvious.

3. The final report notes further that population transfer, including the implantation of settlers, is unlawful even when "subtle and incremental" and even when carried on under the guise of economic development. Such is the case in Tibet. Since 1950, China has maintained a practice and policy of moving Chinese settlers into Tibet despite the opposition of Tibetans. Unfortunately, the transfer of millions of Chinese into Tibet has resulted in grave human rights violations for the Tibetan people.

4. The most recent and alarming instance of an attempt to transfer settlers into Tibet is the proposed China Western Poverty Reduction Project in Qinghai Province (north-eastern Tibet), which China proposes to fund with a World Bank loan. The oases and mineral reserves of Qaidam Basin in Qinghai Province have long been particularly attractive to Chinese policy makers and settlers. In April 1999, the World Bank revealed that it intended to fund the China Western Poverty Reduction Project, which included the resettlement of about 60,000 Chinese into Amdo Province of Tibet (now incorporated into Qinghai Province). Although proposed as a "poverty reduction project", plans show that the resettlement would have the effect of putting in place more human labour and infrastructure to support the exploitation of mineral resources in the area. Tibetans in the area have objected to the resettlement and substantial opposition has been raised to the project on human rights and environmental grounds.

5. The large-scale population transfer project would be funded by $160 million from the World Bank and the International Development Association. On 24 June, the World Bank approved the project, but suspended funding for the resettlement component pending a decision on whether to initiate an independent investigation. On 2 September 1999, the World Bank announced that an Inspection Panel would carry out an investigation into the project, including whether the World Bank failed to follow its own internal procedures in considering funding for the project without an appropriate environmental review and without properly consulting the people in the area where the resettlement would occur. The Inspection Panel has visited the area but has not yet issued its report.

6. In fact, Tibetans from Tulan County (the area into which the 60,000 Chinese would be resettled) sent two statements to the West appealing for support in efforts to halt World Bank funding of the China Western Poverty Reduction Project. According to one letter signed by the "Tibetan citizens of Tulan", by moving Chinese and Chinese Muslims into the area "the settlement is designed to create a dangerous situation in the region. Many of us will die in the conflicts and even if we survive, where do we go? We have no alternative but to defend our land." The other letter says that the project "is very dangerous to us, an evidence of the Chinese policy of ethnic cleansing of the Tibetan people. In the event the resettlement project is carried out with the World Bank financing, then the World Bank will have participated in passing a death sentence on us here."

7. The World Bank project is just one instance of a long-standing policy of the Government of China to resettle Chinese in Tibet. In 1994, the Government publicly acknowledged that it encourages and supports migration into Tibet. Recent statements by government leaders and in official Chinese publications have acknowledged government policies and programmes to encourage Chinese migration to Tibet. The 1997 Plan for the Tibet Autonomous Region focuses on attracting "private entrepreneurs from outside Tibet" as a principal means to expand the economy. Consequently, Chinese authorities in November 1997 announced additional economic incentives for Tibet and other "ethnic" regions. These were to provide low-interest loans, tax breaks and subsidies over the next three years, primarily for manufacturing firms. In August 1998, according to Xinhua, the official Chinese news agency, the Chinese authorities announced the completion of 60 key development projects in Tibet, among 62 projects that had been planned by the Communist Party Central Committee in Beijing without the participation of Tibetans. These projects, while intended to enhance living standards, were also intended "to enhance foreign investment" in Tibet. They are part of an overarching policy of building infrastructure and investment incentives to draw more Chinese settlers (alone or in partnership with other non-Tibetans) into Tibet.

8. In December 1998, the Tibet Information Network reported on renewed plans to attempt to link China with Tibet through a railway line from Qinghai Province. The report noted that even Chinese economists acknowledge that the railway cannot be justified on economic terms alone, but is intended to help bring Tibet under greater political control, in part by facilitating a greater influx of both troops and settlers into Tibet.

9. The great weight of independent legal opinion has concluded that Tibet was independent when China invaded in 1949/50 and is now an illegally occupied territory. Population transfer, when it involves resettlement into occupied territory, violates article 49 of the Fourth Geneva Convention, which China has ratified. Even if Tibet were not illegally occupied, the resettlement of Chinese into Tibet violates Tibetans' human rights. The right to self-determination provides that "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

10. The Tibetans are a people with a distinct language, culture, religion and history and are thus possessed of a right to self-determination provided under international law. The Sub-Commission's Special Rapporteur on population transfer has observed more specifically that a people with a right of self-determination have a right to control their economic, cultural and political destiny free of domination by implanted settlers.

11. The population transfer into Tibet that has already taken place, with its accompanying violations of civil and political rights, restrictive childbearing practices, threats to the physical health of Tibetans, discrimination and economic and physical dislocation, overburdens the fragile environment and the exploitation of resources. The population transfer is not just infringing on the Tibetans' human rights, it is threatening the very survival of the Tibetan people and culture. We therefore call upon the Commission to move forward the work of the Sub-Commission and the Special Rapporteur on population transfer by recognizing and condemning particular practices of implanting settlers, such as is being carried out in Tibet, which do cause severe human rights violations.

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

GE.00-10632 (E)

1. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be a great step forward and will provide the opportunity for adopting a programme of action in combating racism, racial discrimination and xenophobia and related intolerance. The Organization for Defending Victims of Violence emphasizes the role of non-governmental organizations during the preparatory stage of this world conference and invites the relevant NGOs to play an active role in its meetings. We also hope that the United Nations will not underestimate this role. Once, the NGOs played an active part in the work of the Preparatory Committee for the World Conference on Human Rights which was held in Vienna in 1993 and this was a positive experience for the United Nations. It is hoped that once more the non-governmental organizations can be provided with the opportunity to participate actively at this global event.

2. The Organization for Defending Victims of Violence is concerned at the situation of the migrant workers and their families living in Europe. Despite the endeavours of the Western European countries for the protection and promotion of human rights, there is an atmosphere in Europe in which racism and racial discrimination continue to show themselves, sometimes in very discreet ways, through the treatment of public servants or in the eyes of the States. Migrant workers and their families constitute one of the groups most vulnerable to racism and the situation will remain so until they are given effective and special international protection. Migrant workers and their families should live in a peaceful and secure environment. Also, another reason for concern is the rise of racist and xenophobic movements in the political field: in Europe, some political parties are using such ideas, particularly targeted at migrant workers. If uncontrolled and unchecked, this emerging trend might become "strong enough to provide a solid base for making racism a legitimate official doctrine, even in the post-apartheid era" (E/CN.4/1999/15, para. 66). In the report of Mr Glélé-Ahanhanzo, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15), in section II.A, entitled: "Activities of the far right and neo-Nazi movements", the Special Rapporteur refers to these parties in Europe and names some of them in different European countries. The report of the European Commission in 1997 refers to this painful fact: that racist feelings may be found among most European citizens. We hope that the World Conference will address this great concern in Europe, and that certain strong international mechanisms for monitoring this situation will be created to protect the rights of minorities against the racist and xenophobic movements in Europe.

3. Another concern of the Organization for Defending Victims of Violence is police violence in the United States of America based on racial discrimination. Human Rights Watch, in its report of 1999, writes: "Race and ethnicity continued to play a central role in police brutality in the United States. In places where data were available, members of minority groups had alleged human rights violations by police more frequently than non-minority

residents and far out of proportion to their representation in those places. Police have subjected minorities to apparently discriminatory treatment and in some cases have physically abused people of colour while using racial epithets." This is of great concern and such discriminatory treatment by police in the United States should be addressed and encountered by the United States Government.

4. The Organization for Defending Victims of Violence believes that racism, xenophobia and racial discrimination are increasing in the world, and these trends are taking new forms. We believe that education can play a vital role in decreasing such trends. Also, States should be urged to take legislative action to prevent racial discrimination.

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THE RIGHT OF DEVELOPMENT

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 December 1999]

GE.00-11034 (E)

1. After the Second World War and with the wave of decolonization, the issues of "development", "underdevelopment" and "economic development" were widely raised and consequently various methods and approaches were introduced for dealing with them. The great interest of the countries of the South in development led them to adopt certain strategies to pave the way to development. Most of the underdeveloped countries believed that they could attain their lost rights, in particular the basic right to development; however, due to certain problems, such predictions were prevented from coming true. In between, because of the global system and some ill-structured mechanisms of the international economy - which is generally in the hands of the developed countries - the South's continuous efforts failed. The attempts made by the countries of the South to eliminate the obstacles to development failed, since it is quite evident that in the present international system countries of the North cannot tolerate any new competitor, any loss in their extensive sales markets or any weakness in their high economic position. Although the North has accepted the political dependence of the South for several reasons, its economic interests which resulted in the unfair and unequal relations with the developing countries can not be ignored and consequently, the North would never tolerate the growth and development of the South and the South's economic independence from the North.

2. Unfortunately, despite the various developments of humanity in different areas, the gap between the rich and the poor is increasing day by day. The least developed countries give several reasons which reveal the negligence of the international community - and in particular the North - towards this phenomenon. The growth in the wealth gap for millions of people, who pay the unjust price of living with poverty, death and various fatal diseases, is disturbing the public conscience. As has been stated in the report of the World Health Organization (WHO), poverty is among the main causes of death. Nearly 40 per cent of the deaths in the world are due to contagious diseases, which mainly occur in the least developed countries. The same ominous phenomenon - which is rooted in the unjust system of the global economy - has put people under more pressure. Also, it has destroyed the environment by cutting the trees and overusing the water resources in the developing countries. According to the statistics, almost 1 billion people in the world are illiterate. During the last 30 years, the per capita income of the developed countries has increased from about $ 5,700 to almost $ 16,000. Unfortunately, at the threshold of the new millennium, the world picture is not promising. Entering the year 2000 for the countries of the North means the end of infectious and fatal diseases, education for all, elimination of illiteracy, eradication of poverty and public prosperity, for most of the countries in the South - almost three fourths of the world's population - it means going ahead to the new millennium with all these miseries.

3. Although the situation of the people in the poor regions of the world has been discussed many times and in many forums, it seems necessary to mention certain facts here in regard to the right to development.

(a) South Asia. About 600 million people are living in poverty and are suffering from malnutrition. About half of the female population of the world is deprived of basic health facilities. There are around 50 million children who have no access to schools and more than 150 million children are working under appalling conditions;

(b) East Asia. There are about 170 million poor people in these countries. About 100 million young girls and boys are deprived of basic education. Almost 55 per cent of rural

people have little access to safe water and around 41 per cent have little access to hygienic services. The exploitation of children, and in particular the sexual exploitation of young girls and boys, is becoming more and more intolerable;

(c) Africa. There are over 215 million people living in extreme poverty. Also, there are 120 million adult illiterates and 170 million people suffering from hunger. Almost 80 million children in Africa do not attend school and over 20 per cent of African children are child labourers;

(d) Latin America and the Caribbean. Lack of basic education, poverty and disease are among the main problems of this area of the world. Currently, there are almost 100 million poor people and 30 million seeking a job to earn a living;

(e) Arab countries. In these countries there are almost 73 million poor people, 10 per cent of whom are suffering from severe malnutrition. There are still 60 million illiterate people among the Arabs. Almost half of the rural population living in the Arab countries have no access to safe and hygienic sources of water and only one third of them have access to hygienic services.

4. The industrial development of the developed countries and their consumption patterns have caused irreparable harm to the environment. Unfortunately, despite the various decisions and agreements by international conferences and forums, overconsumption, inappropriate methods of production; exploiting surface and underground natural resources; removing, transporting and burning dangerous chemical substances - in particular, nuclear wastes - have all caused serious damage to the land, water, weather and forests of the world. The component elements of the human environment are the crucial common heritage of humanity and its destruction is a threat to all the people of the world.

5. The developed countries, which have exploited the resources of the poor countries, intend to deprive the developing countries of their right to use their own resources to strengthen the bases of their development by imposing new commitments and obligations upon them. Although most Governments share the responsibility for the pollution of the environment, the main responsibility is on the shoulders of those who have had the most benefit from the resources. The developed countries, due to their undeniable role in damaging the environment and their enjoyment of modern technology and financial resources, have special legal and moral commitments in this case. It is not fair that the developing countries have to pay a heavy price for the pollution of the environment - which has been done by developed countries - and, at the same time, are deprived of their right to development.

6. In the process of globalization, not a single country or group of countries can overcome the problems of the international community. Unfortunately, this trend is also applicable in the field of development. The gap between the developing and the underdeveloped countries is growing. Despite all the efforts by the international community, the trend of global cooperation in the field of development has not been promising, and it is also not in line with the general spirit of the Charter of the United Nations. The badly-structured process of globalization and the inequalities and injustices that are part of it, along with absolute support for the capitalist system and the free market economy, have put the economic bases of the developing countries at risk of

complete destruction and, as a result, the economies of the developing countries have been marginalized. The United Nations should proceed in its efforts to reduce the present inequalities. In this vein the United Nations should urge the countries of the North to contribute to the true sustainable development of the countries of the South.

7. Can the countries of the North easily enter the third millennium without paying attention to the suffering of the people living in the South? The dangerous deprivation of the countries of the South of their right to development, ignorance of the phenomenon of poverty, preventing the developing countries from developing and imposing economic mechanisms which in the short run are beneficial to the North countries, in the long turn will not be beneficial and will endanger international peace and security.

8. Noting these tragic realities, the countries of the North, in order to compensate the countries of the South for their losses and to prevent the undesirable growth of poverty, which has led to social unrest and international crises, have no way other than to give more contributions and help to the South. If the growth in the international economy is to be in line with the development of human societies, the following should undoubtedly be taken into consideration:

(a) Creating job opportunities, providing appropriate facilities for a better life for the unemployed people living in the South;

(b) Increasing awareness, eliminating illiteracy and providing free and meaningful education for the people living in the underdeveloped countries;

(c) Not supporting dictators and dictatorships and trying to defend democratic participation in the other countries;

(d) Equitably distributing the wealth to the South, and finally;

(e) Publicly contributing to help the sustainable, continuous and comprehensive development of the countries of the South.

9. In the end, the Organization for Defending Victims of Violence, while welcoming the activities done in the framework of the Office of the High Commissioner for Human Rights, suggests that stronger mechanisms for monitoring the right to development should be established in the framework of the Commission on Human Rights.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

GE.00-10636 (E)

1. Since the occupation of Palestine by the Zionists, the original inhabitants of this land have suffered from many losses, injuries and problems. The consequences of this painful historical incident have been the occupation of the land, homelessness of several million Palestinians, savage killings, exile, torture, murder and kidnapping. While the Zionist regime has been breaching all the resolutions of the United Nations General Assembly and the Security Council, it has never suffered the least real penalty and economic sanctions. This means that the Western countries, in particular the United States of America, due to the strategic role of the Zionists in the dominance policy of the Western countries, have always supported this regime. For instance, when on 22 December 1955, a draft resolution was submitted to the Security Council containing the recommendation "to expel Israel from the United Nations under Article 6 of the United Nations Charter for her persistent violation of the principles of the Charter", the Security Council did not vote on it (source : United Nations Doc. S/3519). The double standard (more forbearance regarding Israel on one hand, and severe condemnation of other third world countries which violate human rights principles, on the other) concerning the issue of the Palestinians and the occupation of their land has encouraged the Zionists to systematically violate human rights and fundamental freedoms.

2. As reported by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, "The interrogation methods used by the Israeli General Security Service (GSS) with regard to Palestinian detainees and prisoners suspected of alleged security offences have remained the same. The Special Rapporteur was informed that the new development in this connection was that the GSS had stopped denying that it resorts to such methods. (E/CN.4/1999/24, para. 33). There are many cases of torture, but here, we would like to quote a news item released by the Palestinian Human Rights Monitoring Group on 10 December 1999 regarding the torture of three young Palestinian men from Bethlehem who have been severely tortured in the Russian Compound prison in Jerusalem. Mohammed Ali Hameid Souman, 17 years old from Braitha'a, al-Ta'amreh, in Bethlehem, was arrested in his home on 24 August 1999 and taken to the Russian Compound prison in Jerusalem, where he was interrogated for 55 days. The first 25 days he was tortured severely. They covered his head with a dirty bag and forced him to sit in painful positions (Shabeh) for long periods of time. Further, they forced him into a very small and narrow cupboard where he could not move at all. The torture made Mohammed confess to charges of trying to purchase guns, throwing stones and being a member of the Islamic Jihad movement. His lawyer was not allowed to meet Mohammad until 40 days after his arrest. The second person is Ali Issa al-Wahsh, 20 years old, from al-Ta'amreh, Bethlehem, who was also arrested at his home the night of 24 August 1999 and taken first to 'Atzion and then transferred to the Russian Compound prison in Jerusalem. He was interrogated here for 70 days, being beaten and tortured severely. He was not allowed to use the toilet for some days, and his health deteriorated. He was not taken to hospital. As a result of the torture, Ali confessed that he was a member of Islamic Jihad, possessing and dealing with weapons. His trial was supposed to take place on 16 December 1999. The third Palestinian is Ra'ed Ahmad Salem al-Hamri, 19 years old, from Braitha'a, al-Ta'amreh, in Bethlehem, who was arrested from his home on 21 August 1999. He spent the first night in 'Atzion and was then taken to the Russian Compound where he spent 62 days in interrogation. He was beaten and

tortured, they put burning cigarettes on his body and forced him to sit in painful positions (Shabeh). During the interrogation, he was hospitalized at "Pikur Holem" on 22 September 1999 because his health had deteriorated badly during the detention. They accused him of membership in Islamic groups, of dealing with weapons and throwing stones. As a result of the torture, he confessed to the charges.

3. Other violations of human rights in Israel are the arbitrary repeated arrests and detentions, long-term imprisonments and keeping the detainees without any sentence for long terms. With the excuse of maintaining security, the general freedoms of the Palestinians and their right to life are violated by the Israeli police. Extensive arrests without any charges and trials without lawyers are common procedures in the Israeli courts. Unfortunately, the repeated reports of human rights bodies on the conditions in Israel prisons, and especially in Khiam prison, with more than 5,000 detainees, have not yet been effective. Extrajudicial executions, a breach of the right to life, is another example of Israeli violation of human rights. For instance, on 15 December 1999, Human Rights Watch called for an independent inquiry into the Monday night killings of two Palestinian men, 'Iyad al-Battat and Nadir al-Massalmah (13 December 1999). As reported by Human Rights Watch, on Tuesday, 14 December 1999, Israeli Deputy Defence Minister Efraim Sneh described the deaths as the result of a "contract" by the Israeli Defence Force (IDF), implying that the killings were extrajudicial executions and that there was no effort to detain the suspects for prosecution. These killings are extrajudicial executions which are flagrant breaches of international human rights standards.

4. There are not just Muslims and Arab Palestinians whose rights are violated in occupied Palestine. The rights of Jews are also violated extensively, since there are racial discrimination policies imposed by the authorities of occupied Palestine towards Jews from the West and those from the East. This discriminatory treatment has repeatedly caused protests and strikes of the Jews form the East.

5. The Organization Defending Victims of Violence condemns the systematic violations of human rights in occupied Palestine and requests the Commission on Human Rights to encourage the States not to continue the policies of double standard and condemn strongly the violations of human rights in occupied Palestine.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

GE.00-10640 (E)

1. The Organization for Defending Victims of Violence and its affiliated body, the Women's Rights Committee, would like to draw the attention of the Commission on Human Rights to the point that realization of women's rights is an important criterion in the development process of each country. In this regard, education, employment, sanitation and women's right to active political participation in their social life are among the most important indicators which show women's access to their own rights. Also, respecting women's dignity in a society is not separate from the realization of their rights. Noting that women include half of the population of human society, and since they are the mothers of the next generation, respecting their rights will guarantee the emergence of a better society. To this end, the Organization for Defending Victims of Violence has given special attention to the situation of women's rights. The organization has been among those which have participated in drafting the NGO report to the "Gathering of NGOs for Beijing Plus Five" and prepared the section on violence against women in the Islamic Republic of Iran. The organization has already opened up its Rehabilitation Centre for Victims of Social Violence with a priority for granting services to the women and children victims of social violence. The organization would like to draw the attention of the Commission to the situation of women in Iran, the United States of America, Afghanistan and Azerbaijan.

2. The situation of women's rights in the developing countries, including Iran, has its own special problems. On one hand, being apart from the political decision-making processes and, on the other hand, not enjoying proper education and training have caused Iranian women to be systematically removed from the political and social scenes. Of course, since the occurrence of the "23rd May Movement" following which President Khatami came to power, new viewpoints have emerged among government officials about women's role, and the women are more encouraged to participate in the society's affairs in comparison with the former Government. Although after the Revolution more women began educational and research activities than before, and somehow were represented actively at certain political and social decision-making levels, they still have a long long way ahead. Articles 3, 20 and 23 of the Constitution have specified some of the above-mentioned rights for women. Unfortunately, these provisions only emphasize the legal aspects of the family; however, there is also a need for the other aspects to be considered and, more importantly, the implementation of the laws should be regarded as a priority. It is a must for the Government of Iran to create the necessary bodies for monitoring the implementation of the related laws stipulated in the Constitution. Also, women's non-governmental organizations need to create more and more capacity.

3. Gender discrimination in the United States of America deserves the attention of the Commission on Human Rights. Women enjoy 50 per cent fewer job opportunities than men. Their salaries are not equal to those of men in the same job. The United States of America is one of two countries that have not yet ratified the Convention on the Rights of the Child and the Convention for the Elimination of All Forms of Discrimination against Women. Women in the United States do not live in security and the number of cases of the sexual abuse and aggression, is higher than in any other country. According to State statistics, about 18 per cent of women are being sexually abused. According to recent statistics of the International Labour Organization (ILO), occupational opportunities for women in the United States of America are worse than in 152 countries of the world.

4. One of the most significant examples among those countries in which women's rights are obviously ignored and violated is Afghanistan. Unfortunately, the violations of women's rights in this country have been mixed with certain ethnic and religious customs and beliefs and, as a result, inhuman restrictions are imposed on Afghani women. The arrest of a woman for "improper covering" or her presence out of her home without being accompanied by a male close relative - even a 10-year-old boy - is a usual thing in this country. After the Taliban came to power, women were deprived of their jobs, such as teaching, nursing, etc. - and their situation has worsened to the extent that they turned into weak persons who had to just deal with the housework. According to the report by the Special Rapporteur on the situation of human rights in Afghanistan, in 1998, "the situation of Afghan women and girls, who make up more than half of the country's population, has been described as 'dire and dreadful', since they are effectively excluded from all aspects of the country's economic, social and political life, mainly in Taliban-controlled areas" (E/CN.4/1998/71, para. 17). The situation of women's rights in Afghanistan has reportedly worsened in 1999.

5. In the Republic of Azerbaijan, during recent years, women's problems have reached a critical level. Violence against women in this independent country has found an awful depth. According to the reports of the United Nations Development Programme , almost 40 per cent of Azerbaijani women are violated during their lives, either sentimentally, sexually or physically. In addition, about 32 per cent of women in their father's houses, 58 per cent in their spouse's homes and 10 per cent outside of their homes face these kinds of violence. Besides condemning the growing trend of violence against women, we urge the Government of Azerbaijan to become more committed to the existing international human rights standards, specially by respecting Azerbaijani women's rights through employing educational mechanisms, adopting proper laws for the protection and promotion of women's rights, providing legal support and defending the victims of violence, all of which can contribute to preventing the expansion of women's rights violations.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

GE.00-10644 (E)

Kofi Annan, United Nations Secretary-General, 1999:
"A child in danger is a child that cannot wait"

1. Children and young people make up more than half the population of today's world; however, there is no guarantee of respect for their rights by the responsible authorities and even their own parents. Over 250 million child labourers are in Asia, Africa, Latin America, the Caribbean and Oceania. Almost 120 million of these working children are working full-time under appalling working conditions. Unfortunately, despite all the worldwide efforts, the number of child labourers is increasing.

2. Currently, there are more than 300,000 children under the age of 18 taking part in armed conflicts worldwide. These child soldiers are mainly between 15 and 18 years of age, yet children as young as 8 years can also be found among them. In the last decade alone, we have seen 2 million children killed, over 1 million orphaned, 6 million seriously injured or permanently disabled, 12 million made homeless and 10 million left with serious psychological trauma. On the eve of the new millennium we are witnessing an abomination directed against children in the context of armed conflict.

3. Over 130 million children, in particular in the third world and developing countries, are deprived of basic and meaningful education. In 1990, the world's Governments met at the World Conference on Education for All held in Jomtien, Thailand. They promised that within a decade, all of the world's children would be provided with the opportunity to develop their full capacities. The promise included universal access to good-quality primary education and an end to gender inequalities. This was repeated at the World Summit for Children (1990), the World Summit for Social Development (1995) and the Fourth World Conference on Women (1995). All produced declarations and aims but have failed badly. If the world's Governments fail to act now, 75 million children will be deprived of basic education in 2015. The Organization for Defending Victims of Violence calls for increased and improved aid for basic education for all children, all around the globe, and believes that the growing causes and effects of poverty require a global response.

4. Millions of young children die from malnutrition and easily curable diseases.

5. Prostitution and child trafficking is another major symbol of the violation of children's rights. The trafficked young children and, in particular, young girl children are forced to serve as prostitutes. These children, in addition to other dangers awaiting them, are very vulnerable to sexually transmitted diseases such as HIV/AIDS.

6. The debts of the poor countries to the developing countries and the World Bank and the International Monetary Fund (IMF) are also providing grounds for the violation of children's rights and, in particular, the right to education. Therefore, debt relief for the world's heavily indebted poor countries should also be a major task for the international bodies; otherwise, nearly 1 billion people worldwide will continue paying a heavy price for their Governments' debts to the World Bank and IMF. Along these lines, these debts should be cut to some payable levels and the countries that benefit from debt relief should be obliged to invest their savings in measures to reduce poverty and ensure that funds - freed up by debt relief - go to providing social services, including basic education and health care for children.

7. Imposing economic sanctions on a country above all brings more suffering upon the children, as the most vulnerable group living in that country.

8. The Convention on the Rights of the Child is considered to be the most comprehensive human rights treaty in history. The amazing point, however, is that except for two countries, Somalia and the United States, all the other States Members of the United Nations have signed and ratified the Convention on the Rights of the Child. The Organization for Defending Victims of Violence urges the responsible international bodies to put pressure on the remaining two countries that have not yet signed and ratified the Convention on the Rights of the Child, and in particular the United States, to sign and to ratify the Convention.

9. No one can deny the important role of the international instruments on children's rights; however, what the international community should take into serious consideration is translating these words into deeds. It seems that the children in the world have been provided with enough papers and they are now looking for a real helping hand to drag them out from the depth of their miseries and bring them into the light of happiness. They cannot wait for the politicians to give several speeches on the betterment of the situation of human rights of children.

10. Anti-personnel mines are the world's cheapest and most indiscriminate soldiers. They live for decades after the war is over. There are approximately 110 million land mines lying undetected in the fields and alongside the roads and footpaths of more than 60 countries around the world. Every day and every night, almost 100 people, mostly children, are blown to bits by mines. In the past few decades, deaths and injuries from landmines have totalled in the hundreds of thousands. It should be noted that children are among the main victims of landmines. Child refugees - returning together with their parents to rebuild their lives in war-ravaged countries - are always very good targets for landmines. To put an end to the problem of landmines, the global ban on the use, transfer, production and stockpiling of such mines seems to be the best solution. Let's ask the biggest producers of landmines to sign and ratify the treaty to ban the use and production of landmines, since the landmines continue maiming and slaughtering children.

11. Light weapons and small arms are available in abundance, cheap to buy and require little training to use. This has led to their excessive use within societies and schoolchildren have been attracted to use them. It should be borne in mind that these guns are made for the death of human beings. It seems that, at least for the sake of children, the time has come to take decisive action to stop the spread and misuse of small arms and light weapons.

12. Islam is also against all forms of child exploitation, child abuse and violation of children's rights. These crimes are certainly punishable in the world of Islam. In spite of the fact that Islam regards children as "scents of heaven" and "gifts of God", and has asked for their rights to be respected and has offered them opportunities to get basic and meaningful education, we unfortunately see that certain States in the world of Islam, by resorting to some excuses, are ignoring children's rights. It is a sad fact that we witness trafficking in young girls and boys from the South-East Asian countries to certain countries in the Gulf region such as the United Arab Emirates, so as to be sent to the sex market in Europe.

13. The initiatives of the NGO and civil society sectors can be also regarded as a very significant contribution to ending the violation of the human rights of children. The Global March against Child Labour, the single largest social intervention in the world, can be mentioned as a good example. This march contributed to the final adoption of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, at the 87th session of the International Labour Conference on 17 June 1999.

14. In the end, the Organization for Defending Victims of Violence believes that it is time for the international community to come together and think seriously about the human rights situation of the world's next generation of decision-makers. At the threshold of the new millennium, the main priority for national and international action should be the total eradication of child labour, and in particular the worst and most intolerable forms of child labour; providing social services, health care and food for children in the less developed countries; providing free, relevant, accessible and meaningful education to all children. The protection of street children, the orphaned and abandoned children should also be taken into serious consideration.

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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2000]

GE.00-10662 (E)

1. Article 27 of the International Covenant on Civil and Political Rights states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." According to this article, the persons belonging to minorities who - because of their national, religious or linguistic identity, ethnic group, etc. - are separate from other groups of society should enjoy special rights. These rights protect and guarantee minorities' survival, identity, stability, cultural growth and development of special talents. Meanwhile, by having such rights, the domination of one culture or imposing one special custom on the minorities can be prevented. John Stuart Mill, in his book On Liberty, stated: "... the tyranny of the majority is now generally included among the evils against which society requires to be on its guard".

2. Despite the fact that the Charter of the United Nations and the Universal Declaration of Human Rights have not dealt with the protection of minorities, because of the importance of the issue and the possible human rights violations on this ground minority-related issues were included in the agenda. In this connection, the Economic and Social Council allowed the Commission on Human Rights to issue a recommendation on minorities and to establish the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

3. On 18 December 1992, the United Nations General Assembly ratified the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (resolution 47/135). Article 1 (1) of this Declaration reads as follows: "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Meanwhile, the Declaration grants the following rights to persons belonging to minorities:

- The right to enjoy their own culture;
- The right to practise their own religion and to use their own language;
- The right to develop their culture, language, religion, traditions and customs;
- The right to participate fully in the cultural, religious, social, economic and public life of the society;
- The right to participate in economic progress and development;
- The right to establish and administrate their special associations and bodies;
- The right to have relations with other members of their group including citizens of other countries.

4. In regard to the protection of minorities, the Council of Europe - as one of the most important leading bodies - has taken great steps to ensure the rights of minorities by concluding the Framework Convention for the Protection of National Minorities. Expressing its concern over the realization of the general principles of democracy and accepting cultural diversity within the national territories can be considered among the Council's main motivations for

taking such a step. Although in the first article this convention states that the protection of national minorities and their rights and freedoms are an integral part of protecting human rights and are within the scope of international cooperation, the reality is very much different from what is written on paper in conventions and declarations. In the European countries, religious, ethnic, linguistic and other minorities may enjoy some of the stipulated rights, whenever they have the power or money. However, if they are not in power or they do not have the required financial resources, the governing political systems do not let these minorities fully enjoy their special rights.

5. The world has not yet forgotten the inhumane treatment by certain European Governments of Muslim women and girls who wanted to wear Muslim dress (hijab), which is an obvious violation of religious minority rights. At the threshold of the third millennium, prohibiting Muslims from observing their Islamic code of dress, imposing different restrictions for Muslims and preventing the establishment of mosques and religious schools have caused great concern over the issue of respecting the human rights standards and the special rights of religious minorities in Europe.

6. One of the most important matters, in regard to the issues relating to minorities is to observe their citizenship rights like those of other citizens living in a society. Being a member of a minority group does not necessarily mean being different in enjoying the essential human rights. During the 1990s, on the one hand, the rights of the minorities have been recognized, however, on the other hand, we have been witnessing violations of minorities' rights in some Western countries. Of course, these violations are of a global nature. In both developed and developing countries, minorities are considered as second-class citizens and their restricted and controlled activities are limited just to the social and cultural ones. The reasons for such common aspects in the treatment of minorities in the countries of the South and the North are their delay in recognizing minorities' rights and their emphasis on the cultural aspects of these rights as well as their attempt to keep minorities away from the political decision-making process.

7. It is recommended that these countries accept the principles of democracy, develop the concept of citizenship with respect to all minorities, put an end to all forms of the discriminatory approaches in regard to minorities and pay more attention to the social and political rights of the minorities living in their jurisdictions. We request the Commission on Human Rights to take stronger positions regarding certain countries like Turkey and Israel, whose behaviour towards minorities is not properly addressed in the sessions, owing to the support of great Powers in the world.

8. Turkey is among the countries in which the rights of minorities are continuously violated. For instance, the Kurdish minorities are deprived of their essential rights. In Turkish political literature, these minorities are described as "savage and fierce Turks". The continuous attacks of the Turkish army against Kurdish areas of Turkey; the compulsory displacement of Kurds to different parts of the country; prohibiting them from holding peaceful gatherings and protesting; disregarding the Kurds' culture and language; preventing the Kurds from enjoying their right to education and putting pressure on them in order to keep them away from their political and social rights, are always being condemned by organizations defending human rights. Ignoring the rights of the Kurds in Turkish society, resorting to military forces to resolve the problem,

suppressing supporters of the Kurds, and arresting, imprisoning, torturing, exiling and executing Kurdish activists and supporters are organized attempts by the Turkish authorities to gradually eliminate the Kurdish minority.

9. In the Islamic Republic of Iran, President Khatami, after coming to power, has pledged respect for the rule of law, including with respect to minorities. One of the most important measures being taken for monitoring the rights of minorities has been the establishment of a council to supervise the implementation of the Constitution. On 29 November 1999, this council held a seminar on the Constitution and the rights of the nation, in which Mr. Mehrpour, the President of the council, spoke about minorities' rights. In his speech, Mr. Mehrpour emphasized that the rights of minorities should be respected and that the Islamic Republic of Iran was obliged to respect the relevant international conventions and instruments in regard to minorities. The Organization for Defending Victims of Violence believes that stronger mechanisms should be created to ensure the rule of law, including the ultimate realization of the rights of minorities in Iran.

10. In the United States of America, the police, despite strong criticism from many human rights organizations, continue to violate the rights of migrants and minorities. According to Human Rights Watch, minorities in 14 States of the United States have been continuously subjected to police aggression and their social and political rights have been disregarded. During recent decades, along with the violation of minorities' rights, racial discrimination has also become more severe. The Black minority over the years has been exploited and is still being abused and treated unjustly. The income of the Black minority in this country is about 10 per cent of that of Whites. The rate of Black employment is about one third of that of White citizens of the same age and some employers avoid employing Blacks. Although the Black minority is about 12 per cent of the population, more than 55 per cent of the imprisoned people are Black men and women. In recent years, the Ku Klux Klan has again become powerful and once more has started to undertake oppressive policies against Blacks. During the last two years, more than 200 churches belonging to Blacks have been set on fire by certain extremist White men. The experts and defenders of human rights believe that the United States has disregarded the international instruments more than other Western countries.

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RIGHTS OF THE CHILD

Written statement* submitted by Franciscans International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2000]

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* This written statement is issued, unedited, as received from the submitting non-governmental organization.

THE HUMAN RIGHTS SITUATION OF CHILDREN IN IRAQ

"Are the children well?" This question, commonly used as a greeting among some peoples of the Pacific Islands, is a poignant reminder that the well-being of children should be the concern of all of us. With this in mind, Franciscans International and Dominicans for Justice and Peace, together with the Justice and Peace Promoters of the Dominican Order in the United States, along with other signatories, bring to the attention of the fifty-sixth session of the Commission on Human Rights, the situation of children in Iraq. Our first grave concern is that the sanctions and embargo imposed on Iraq by the United Nations is adversely affecting the health and well-being of Iraqi children. Furthermore, these policies violate their rights as guaranteed under the Universal Declaration of Human Rights of the United Nations of 1948 (Universal Declaration), and the United Nations Convention on the Rights of the Child of 1989 (Convention).

Specifically, this presentation would like to draw attention to the violation of the rights of Iraqi children:

- To develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity (art. 27 of the Convention; art. 3 of the Universal Declaration).

- To enjoy the guaranteed benefits of social security and the entitlement to grow and develop in health; to this end, special care and protection should be provided to both child and mother, including pre-natal and post-natal care. The child must have the right to adequate nutrition, housing, recreation and medical services (arts. 24, 27 and 31 of the Convention; arts. 22 and 25 of the Universal Declaration).

- To receive education (art. 28 of the Convention; art. 26 of the Universal Declaration).

- To be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal human fellowship and in full consciousness that their energy and talents should be devoted to the service of humankind (art. 29 of the Convention).

"Are the children well?"

Prior to the events of 1990 and 1991 (Security Council resolution 661 (1990) on the trade and embargo restrictions against Iraq resulting from the Gulf War), Iraqi children enjoyed a fairly good standard of living. Reports from the United Nations Children's Fund (UNICEF) depicted Iraq as having achieved high levels of growth in most sectors of social and economic development, placing it in the highest percentile among developing nations in the 1980s. However, it is apparent from more recent documentation submitted by various agencies connected with the United Nations that the cumulative effects of war-related destruction and the restrictions imposed on Iraq's economy and trade have dramatically impaired the country's ability to provide for the well-being of its children in the 1990s.

."Are the children well?"

The United Nations report on the current humanitarian situation in Iraq, dated 30 March 1999, compares the State of Iraq before and after the events of 1990-1991. This report provides the basis for our concern as well as our hope that the fifty-sixth session of the Commission on Human Rights will intercede on behalf of Iraqi children and advocate the lifting of the embargo and sanctions against Iraq. It appears from the information in the above-mentioned report that the lifting of Security Council resolution 661 (1990) is essential if Iraq is to ensure a decent quality of life for its people, especially its children.

Economic and social indicators

Prior to the events of 1990-1991, Iraq's social and economic indicators were generally above average for the region's developing countries. With oil accounting for 60 per cent of the country's GDP and 95 per cent of its foreign currency earnings, Iraq's economy was heavily dependent on the external sector and sensitive to fluctuations in the price of oil. In 1991 Iraq's GDP plummeted by more than two thirds owing to the decline in crude oil production and the devastation of the industrial and service sectors of the economy. Although Iraq is now beginning to export more oil, revenue remains insufficient owing to a combination of low oil prices, delays in obtaining spare parts for the oil industry and a general obsolescence of the oil infrastructure. If and when sanctions are lifted, it will take a long time before the infrastructure is repaired and the economy recovers.

Food production and availability

In 1990, Iraq's domestic food production represented only one third of total consumption of most essential food items. The remaining two thirds was imported. Due to its relative prosperity, Iraq had the capacity to import this large quantity of food requirements at an estimated cost between $2.5 and $3 billion a year. Since the events of 1990-1991, Iraq has found it hard to provide for the nutritional needs of its people. This is partly related to problems in increasing domestic production as spare parts and chemicals are difficult to obtain or restricted under resolution 661 (1990). Spokespersons for the United Nations Food and Agriculture Organization (FAO) have stated that when the water supply system was damaged during the Gulf War bombing, Iraq's ability to irrigate was seriously diminished. The combination of high salt content in the soil, rapid evaporation due to high temperatures and a lack of materials needed for irrigation has rendered much of Iraq's soil barren. Also, the lack of external trade relations, which are necessary to import food, is another factor contributing to the food shortage. According to the World Food Programme (WFP), the average cost of basic food in 1995 was 850 times more than in July 1990. This inflation contributes to exacerbate the problem.

"Are the children well?"

The prevalence of malnutrition in Iraqi children under 5 years of age almost doubled between 1991 and 1997. One in five children is malnourished, a rise of 73 per cent since 1991.

Almost the entire child population of Iraq has been affected by a shift in its nutritional status towards malnutrition. Since 1990, the rate of anaemia among Iraqi women has risen to 70 per cent. The number of low-birth weights (less than 2.5 kg) also rose as a predictable effect of maternal malnutrition. WFP reports that the monthly food baskets distributed in Iraq last only 20 days. As such, the food baskets are obviously an inadequate solution to the growing problem of malnutrition. Before 1991, with an extensive network of water treatment plants, World Health Organization (WHO) estimates indicated that 90 per cent of the Iraqi population had access to an abundant quantity of safe drinking water. WFP estimates that since 1991, access to safe drinking water has dropped to 50 per cent of the 1991 level. The availability of safe drinking water is even more precarious in rural areas of Iraq. A significant cause of illness and deaths among children under five years of age seems to be the massive deterioration, since 1990, of Iraq's drinking-water systems.

Health care

Prior to 1991, according to WHO, health care extended to 97 per cent of the urban population and 78 per cent of the rural population. The health care system was based on an extensive network of health facilities linked by reliable communication and a large fleet of service vehicles and ambulances. Since 1991 shortages of water and electricity, lack of transportation and the collapse of the telecommunications system have degraded the functional capacity of the health care system. Studies by the United Nations Development Programme (UNDP) point out that electricity shortages due to the continuing effect of war damage have resulted in power cuts lasting over six hours a day. The shortage of electricity has also adversely affected the water supply and health services.

"Are the children well?"

According to WHO, communicable diseases and malaria, which had been under control in Iraq, returned in epidemic proportions in 1993, rendering the health care situation in Iraq precarious. The impossibility of providing the drugs necessary for treatment is contributing to the spread of disease. Children are among the growing number of victims claimed by these problems. The child mortality rate has tripled since 1990.

Education

The United Nations Educational, Scientific and Cultural Organization (UNESCO) reports that between the mid-1970s and 1990, the Government of Iraq made sizeable investments in the education sector. By 1989, the combined primary and secondary enrolment rate stood at 75 per cent. Illiteracy was reduced to 20 per cent.

"Are the children well?"

Since 1991, school enrolment for all ages has declined by 53 per cent. In central and southern Iraq, 83 per cent of school buildings have suffered serious damage and are in need of repair. UNICEF indicates that substantive programmes in reducing adult and female illiteracy have been cut back or have stopped altogether. The rising number of street children and children who work is related to the increasing school drop-out rate. More and more families are forced to rely on working children to supplement household income. Figures from UNESCO indicate that the number of dropouts from elementary schools has increased from 95,692 in 1990 to 131,658 in 1999.

The rights of Iraqi children that are guaranteed by the Universal Declaration and the Convention on the Rights of the Child have been seriously compromised in the 1990s. In a significant way the lasting effects of the Gulf War and United Nations measures such as Security Council resolutions 661 (1990) and 986 (1995) (Oil for Food), have had calamitous effects on Iraqi children. It is time to address this problem through intervention. The international community has made a commitment to ensure that every child "be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal human fellowship". How can we ensure this right for Iraqi children unless we address those policies and practices that are severely compromising their happiness and health? The question that we must face as we address this concern is before us: "Are the children well?" May our response direct our conscience and our actions on behalf of the children of Iraq.

Franciscans International and Dominicans for Justice and Peace, together with the Justice and Peace Promoters of the Dominican Order in the United States, along with other signatories, recommend that the Commission on Human Rights strongly urge the international community to lift the sanctions and embargo on Iraq and advocate immediate measures to halt and reverse the deteriorating quality of life of Iraqi children.

Signatory Organizations:

The Dominican Justice Promoters of the United States
Dominican Leadership Conference of the United States, Executive Committee
Dominican Sisters International, Coordinating Council, Rome, Italy
Confederation of Dominican Sisters of Latin America and the Caribbean
United Nations NGO Representative Dominican Leadership Conference, USA
Maryknoll Sisters of St. Dominic, United Nations Representative
Dominican Sisters of St. Catherine of Siena, Kenosha, WI, USA, Leadership Team
Dominican Sisters of Sparkill, NY, USA, Executive Team
Dominican Sisters, St. Mary's Congregation, New Orleans, LA, USA, General Council
Dominican Sisters of Hope, Ossining, NY, USA, Leadership Team
Dominican Sisters of Cabra, Region of Louisiana, USA
Dominican Sisters of the Presentation/USA Province
Dominican Sisters of Edmonds, Washington, Congregation of Holy Cross, USA

Dominican Sisters of Great Bend, KS, USA, Leadership
Dominican Sisters of San Raphael, San Raphael, California, USA, Leadership Team
Dominican Sisters of St. Catherine de' Ricci, Elkins Park, Pa, USA, General Council
Dominican Sisters, Congregation of the Sacred Heart, Houston, Texas, USA
Dominican Sisters of St. Mary's of the Springs, OH, USA, Leadership Team
Dominican Sisters, Tacoma, WA, USA
Adrian Dominicans, Great Lakes Chapter, Detroit, MI, USA
Eucharistic Missionaries of St. Dominic, New Orleans, LA, USA
Grand Rapids Dominicans, Grand Rapids, MI, USA, Leadership Team
Sisters of St. Dominic, Akron, OH, USA
Sisters of St. Dominic, Blauvelt, NY, USA, Leadership Team
Sisters of St. Dominic, Caldwell, NJ, USA, Leadership Team
Sisters of St. Dominic, Congregation of the Holy Cross, Amityville, NY, USA
Sisters of St. Dominic, Racine, WI, Leadership Team
Oxford Dominican Sisters, Oxford, ILL, USA
Sinsinawa Dominicans, Southern Province, USA, Leadership Team
Sinsinawa Dominicans Justice and Peace Office, River Forest, IL, USA
Springfield Dominican Leadership Team, Springfield ILL, USA
Dominican Province of Canada
Parable Conference, River Forest, ILL, USA
NETWORK, A Catholic Social Justice Lobby, Washington, DC, USA
Fellowship of Reconciliation, Nyack, New York, USA
8th Day Center for Justice, Chicago, ILL, USA
PAX CHRISTI, USA
Intercommunity Center for Justice and Peace, NY, USA, Executive Board
Brothers of the Sacred Heart, Elmhurst, NY, USA
Capuchin Franciscan Friars, Brooklyn, New York, USA
Franciscan Brothers of Brooklyn, New York, USA
Franciscan Handmaids of Mary, New York, New York, USA
Franciscan Sister of Peace, Haverstraw, New York, USA
Franciscan Sister of Allegany, St. Bonaventure, New York, USA
Franciscan Sisters of the Atonement, Garrison, NY, USA
Franciscan Sisters of the Poor, Brooklyn, NY, USA
Carmelite Sisters of Charity, Washington, DC, USA
Congregation of Christian Brothers, New Rochelle, NY, USA
Congregation of the Infant Jesus, Rockville Center, NY, USA
Congregation of St. Joseph, Brentwood, New York, USA
Congregation De Notre Dame, Ridgefield, CT. USA
Daughters of Divine Charity, Staten Island, NY, USA
Daughters of Wisdom, Islip, New York, USA
Holy Cross Brothers, New Rochelle, NY, USA
Little Sisters of the Assumption, New York, New York, USA
Missionary Sisters of the Sacred Heart, New York, New York, USA
Paulist Fathers, Scarsdale, New York, USA

Redemptorist Fathers and Brothers, Esopus, New York, USA
Religious of Jesus and Mary, Highland Mills, New York, USA
Religious of the Sacred Heart of Jesus, St. Louis, MO, USA
Religious of the Sacred Heart of Mary, Tarrytown, New York
Religious Sisters of Mercy, Hartsdale, New York, USA
School Sisters of Notre Dame, Wilton, Conn., USA
Sisters of Charity, New York, New York, USA
Sisters of Divine Compassion, White Plains, NY, USA
Sisters of the Good Shepherd, Jamaica, New York, USA
Sisters of the Holy Family of Nazareth, Monroe, Ct., USA
Sisters of Mercy, Brooklyn, New York, USA
Sisters of St. Agnes, Fond du Lac, WI, USA
Sisters of the Presentation of BVM, Newburgh, New York, USA
Sisters of the Presentation, Staten Island, New York, USA
Sisters Servants of Immaculate Heart of Mary, Scranton, Pa, USA
Society of the Holy Child, Drexel Hill, PA, USA
Society of Jesus, New York, New York, USA
Society of St. Ursula, Rhinebeck, New York, USA
Ursulines of the Roman Union, Bronx, New York, USA

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: DISAPPEARANCES AND SUMMARY EXECUTION

Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10735 (E)

Extrajudicial killings in Asia

1. In India, 17 persons lost their lives in Tirunelveli Town, south Tamil Nadu, in July 1999. This was due to brutal police attack. According to reports, the deaths were due to injuries suffered in brutal police beatings. The victims were Dalits who were participants in a procession demanding a solution to a wage dispute and the release of some workers who were in jail. The police used "lathi" and charged and chased them into the nearby river. The more serious injuries were alleged to have been caused when the police attacked the swimmers on the head while they were trying to reach the river banks. The human rights group inquiring into the incident found an enormous amount of evidence including press reports, documents, statements, photographs and video coverage

2. Another type of extrajudicial killing that has been taking place in India is the "encounter" killing. The victims of such killings are usually persons who have been arrested for committing serious crimes. The victim is then alleged to have tried to escape from police custody and in the process was shot by the police. Human rights groups which have collected evidence of these cases often have found evidence to question the stories of alleged attempted escapes. Owing to the increase of crime, a mass mood of insecurity has developed, particularly in the major towns. In this situation any form of suppression of crime, even by extrajudicial means, is accepted by the community. One of the towns where large numbers of encounter killings have taken place is Mumbai (earlier known as Bombay).

3. In Sri Lanka, extrajudicial killings take many forms. There are over 30,000 cases of officially recognized disappearances. A commission inquiring into cases of disappearances has stated that disappearance in Sri Lanka is simply another name for killing after arrest. Besides the officially recognized disappearances of the past, there are also large numbers of disappearances taking place in the areas where armed conflict is going on. This is in the north and in the east. There are also many instances where alleged terrorists taken into custody are later found to have been killed. Besides these, there are reports from many parts of the country of alleged criminals being found dead after arrest. As in the case of India, the explanation is often that they have tried to escape or have resisted arrest. However, the public perception is that the disposal of persons who are alleged to be well-known criminals, is taking place in this manner as a way of eliminating criminals.

4. There are reports from Nepal of killings of persons alleged to be Maoist insurgents, or their sympathizers and family members. These persons are often arrested and thereafter go missing or are found dead. Such killings are the result of harsh measures adopted to suppress rebel movements. In recent years, the incidents of disappearance from custody and extrajudicial killings have become serious problems in Nepal. The Supreme Court of Nepal has issued a few habeas corpus orders, but these have not been complied to by the State mechanism. Independence of the judiciary and the rule of law are therefore seriously jeopardized. Besides this there are also reports of incidents which are similar to the encounter killings in Sri Lanka and Nepal.

5. There are also reports from the Philippines of killings after arrests. These are also killings of alleged criminals and the explanations given are similar to the explanations of the encounter killings given in the countries mentioned above.

6. Indonesia is another country where there are many instances of killings of people alleged to be rebels. Even after the fall of the Suharto regime there have been many instances where human rights NGOs have investigated the extrajudicial killings of rebels.

7. Extrajudicial killings are a matter of serious concern. A matter that needs to receive greater international attention is the justification of the killing of persons after arrest, either on the grounds that they belong to rebel movements or that they are alleged to be serious criminals. There seems to be a tacit agreement among some law enforcement agencies that when it comes to serious crimes the judicial process of fair trial can be dispensed with and that immediate actions can be taken on their own. Given the large-scale happenings on this score, the attention of the international community needs to be very much concentrated on this matter. The abuse of the international doctrines against terrorists by the law enforcement agencies so as to suspend all the legal rights of persons alleged to be terrorists should be condemned by the international forums. This also applies to anti-crime drives. The anti-crime drives which lead to the justification of the suspension of judicial processes could have extremely serious effects on the society as a whole and lead to the breakdown of law and order altogether.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10739 (E)

Food scarcity in Myanmar

1. The right to food is a fundamental human right. It is guaranteed under the Universal Declaration of Human Rights (art. 25 (1)) and the International Covenant on Economic, Social and Cultural Rights (art. 11).

2. In the Union of Myanmar, people are being denied the right to food by the overwhelming military domination of that country. Substantial evidence suggests that the Government of Myanmar is systematically denying food to the civilian population through a range of practices implemented to ensure perpetuation of its undemocratic rule.

3. Food scarcity exists in Myanmar neither because of a natural disaster nor through mere administrative incompetence, but rather as a result of pervasive militarization. The Government has not only failed to meet its positive obligations to ensure conditions of food security, but it must also be held responsible for administrative and military practices that have resulted in widespread denial of food to civilian populations. In coming to these conclusions, the Asian Legal Resource Centre agrees with the findings of the People's Tribunal on Food Scarcity and Militarization in Burma, which was invited to examine the issue by the Asian Human Rights Commission. The People's Tribunal released its findings in a report entitled "Voice of the Hungry Nation" (Asian Human Rights Commission, October 1999).

4. As a matter of administrative policy, the Government of Myanmar violates the right to food through denial of the right to work, pernicious taxation, confiscation of land and repeated demands for unpaid civilian labour. The State prevents or inhibits people from working freely to achieve their food security. Farmers are not permitted to choose when, where and how to cultivate. In areas of armed conflict they are subject to unstable life-threatening conditions that prevent them from using their labour, land and natural resources to earn a living. In other parts of the country, farmers are the victims of policies that place their own well-being after the interests of the State. Regardless of economic circumstances, civilian communities are obliged to satisfy demands for goods and services from the superstructure imposed by the military.

5. Paddy farming remains the largest occupational sector of the country. Farmers are subject to a compulsory paddy purchase programme that is enforced by government agencies nationwide. The Government generally compensates farmers at half the market rate, but sometimes much less. This practice is effectively a crop tax. The rationale for the programme is the need to feed the armed forces and provide discounted rice to the civil service, yet in reality it fails to promote food security. The paddy quota is based upon the landholdings of each farmer and is enforced without regard to the actual circumstances of producers. Farmers with failed crops report that they have nonetheless been required to meet the paddy quota, usually with great difficulty, as they are forced to purchase paddy at the market price in order to supply the State. Many fall into spiralling debt and ultimately lose their landholdings through Socialist-era legislation. Some lose land even having met all the demands of the State, for example to make way for a military-managed cash-crop plantation. State confiscation of farmland was addressed by the Special Rapporteur on the situation of human rights in Myanmar in paragraphs 51 to 53 of his 1999 report (E/CN.4/1999/35).

6. The widespread practice of forced labour by the State in Myanmar has been amply documented, most notably in the report of the Commission of Inquiry set up under article 26 of the Constitution of the International Labour Organization. The State's unceasing and substantial demands for compulsory, uncompensated labour from the civilian population also denies the right to food. Whenever forced labour takes place, it affects this right in three ways. First, it reduces the amount of time and energy people have available to spend in productive work for themselves. Second, it results in the extraction of cash from defaulting households. Third, during the course of such labour people must face hunger.

7. Myanmar's armed forces are directly responsible for violations of the right to food. Nowhere is this right denied more blatantly than in the regions of the country still perceived as exposed to the threat of insurgency. In these areas, denial of food is used as an anti-insurgent tactic. Violations that take place in these areas include destruction of food stocks and crops, displacement and relocation of civilian communities, and mass expropriation of cash and materials by the army.

8. Military operations directly target rural food supplies and standing crops. The army does not attempt to distinguish between food intended for civilian consumption and that allegedly destined for rebels. At all phases of agricultural production civilian populations of these areas are subject to attack, both upon their persons and their produce.

9. The military displaces people from their villages, sometimes scattering them in the hills and jungles, sometimes forcing them into relocation sites. Those pushed into the jungles are deprived of regular food supply. They face the severest food scarcity, including starvation and death. The Special Rapporteur made observations to this effect in paragraphs 62 and 63 of his January 1999 report. Even larger numbers are forcibly relocated into military-supervised concentration camps. This "strategic hamleting" programme is not new to Myanmar; however, the last few years have seen a rapid expansion of the practice in some regions, particularly in the Shan and Karenni States, with the result being enormous disruption to regional rural economies. Again, the Special Rapporteur referred to these circumstances in paragraphs 39, 49, 50 and 64 to 66 of his January 1999 report. As farmers are dislocated from their lands without compensation or provision for new lands, they end up serving merely as a taxable labour pool for local military units. Widespread dislocation is therefore resulting in serious and long-term structural food scarcity, not mere seasonal hunger due to occasional military incursions.

10. Forced relocation or not, people must provide local military authorities with cash, goods and services. These demands are usually arbitrary and unannounced. Fines are collected from village communities or households seen as having breached their obligations to the military. The result is a net reduction in the resources and capital that people have to live on.

11. These violations of the right to food in Myanmar are connected to the role that the Government adopts in expanding nationwide militarization. Routine State functions have been militarized to the extent that virtually all transactions between the people and the State involve a degree of coercion. Whether collecting paddy quota or taxes or demanding forced labour, authorities rely upon the threat of military force to ensure that they are able to fulfil their tasks. National agriculture policy is oriented away from the people and towards satisfying military and State needs. The media reinforces and validates the status quo, confusing the roles of soldier and

farmer by constantly reporting on military guidance in agricultural matters. The military presence affects even the most fundamental day-to-day economic decisions of regular families. Fundamental administration has been overwhelmed by military authoritarianism. The outcome is a submissive populace facing food scarcity.

12. Government rhetoric argues that it is committed to the food security of all people in the country. However, evidence to support the contrary is overwhelming. Independent reports consistently demonstrate that the Government is systematically and deliberately undermining its stated goals and obligations, to the detriment of the national population. Ultimately, the interests of the military and the State are placed before those of the people, thus ignoring in practice the positive obligations that the State has undertaken to uphold in principle, and thereby creating conditions of food scarcity.

13. The Government of Myanmar must be held responsible for the pervasive conditions of food scarcity that exist in that country. Factors such as natural disaster or mere incompetence of civil services may contribute to or exacerbate food insecurity. None, however, is as pervasive or consistent, nor can explain why food is not available to those who produce it, as the systematic food-denying policies of the Government. None can override the central role that the State has played in violating the right to food.

14. Denial of food on a large scale is a crime against humanity, punishable under international law. In the event that a Government fails to take action to reverse such a trend, those responsible for consistent violation of this fundamental human right must be held to account. The international community and particularly United Nations agencies have an obligation to accept the importance of food security as an issue of fundamental human rights in Myanmar. The Asian Legal Resource Centre calls for an international commission to be appointed with a view to examining this issue. Due recognition must be given to the role that the Government of Myanmar is playing in creating food scarcity, and pressure must be brought to bear upon it to reverse the policies and practices leading to its consistent violations of the people's right to food.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secreary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10743 (E)

Torture and detention in Asia

1. Torture and inhuman and degrading punishment remain one of the major violations of human rights in most countries of Asia. While there is quite a lot of evidence of torture in many countries, there are some instances where obtaining direct evidence is difficult due to restrictions on access. Thus, these submissions relate to instances where there is overwhelming evidence related to torture or inhuman and degrading punishment.

2. Many cases have come before the Supreme Court of Sri Lanka by way of fundamental rights applications under section 126 of the Sri Lankan Constitution, complaining of torture. In several of these cases the Court has decided the case in favour of the applicant. Many more cases have come before the Human Rights Commission of Sri Lanka. There are also instances where complaints are made to human rights NGOs locally, regionally and internationally. Sometimes the applications are not pursued owing to pressure from the authorities and to fear of reprisals. The torture cases relate not only to political cases but also ordinary criminal cases. The major cause contributing to the use of torture is the underdeveloped nature of the criminal investigation system in Sri Lanka. The use of forensic methods and scientific investigations into crimes is rarely resorted to. The usual system of collecting evidence is through statements and these statements are often obtained through the use of pressure or force. Though section 27 of the Evidence Ordinance has created safeguards against forced confessions, merely making parts of statements which amount to direct confessions inadmissible does not act as a deterrence against the use of torture, since other corroborative evidence discovered as a result of confessions is admissible. This loophole allows law enforcement agencies to use torture as a means of collecting evidence.

3. The use of torture and other ways of punishment which are inhuman and degrading is also related to corruption. There is a public perception that results cannot be obtained from criminal investigations unless the officers concerned appear to be rough and tough, and prepared to use violence. The Supreme Court of Sri Lanka entertains applications against torture when an applicant is injured or otherwise hurt due to torture, but according to a recent case decided by the Supreme Court, the Court will not entertain cases if the person concerned dies as a result of torture. The explanation is that the aggrieved party himself or herself should make the application to the Supreme Court under section 126 of the Constitution. Since a victim who has died as a result of torture cannot be an aggrieved party before the Court, no application can be filed in such instances. This interpretation given of the "aggrieved party" points to an absurd aspect of the law relating to torture. Though this requires a constitutional amendment the Government has made no attempt to make such an amendment in order to enable the families of the victims who die because of torture to avail themselves of the remedies available under section 126 of the Constitution.

4. Though an act has been passed in Sri Lanka, entitled Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act (Act No. 22 of 1994), no cases have been filed under this act as yet. The reason is that under the Criminal Procedure Code of Sri Lanka criminal investigation is the competence of the police and as the alleged perpetrators of acts of violence are often the police, there is naturally an impediment to filing cases under this act. The prosecution of cases is the responsibility of the Attorney-General, and the Attorney-General must make suitable provision to ensure that all violations of this act are

prosecuted. Thus, while the passing of this act has created a good international impression for Sri Lanka, in actual fact it has not brought any benefit to those who suffer torture and inhuman and degrading punishment. If this act is to fulfil its purpose, special provisions must be made for investigating crimes committed under this act.

5. In Thailand the practice of shackling of prisoners still persists. The prisoners are shackled in heavy chains, like the ones used to tie elephants, even when they are kept in cells which are securely locked while they are waiting to be called before courts. The practice of shackling prisoners in this manner dates from medieval times. Such shackling clearly falls under inhuman and degrading punishment. Such shackling should be declared illegal and more suitable methods must be developed to ensure that prisoners do not escape while in custody.

6. Custodial deaths or "cell murders" remain a common occurrence in India. Complaints related to this matter are constantly being made to the National Human Rights Commission of India and many local and international NGOs who have collected considerable statistics relating to this phenomenon. Cell-murders are clear evidence of use of torture after the arrest of persons. If lawyers are allowed to be present while the statements are recorded from the accused, cell murders and other forms of torture used during detention can be prevented. As a considerable number of victims of torture are from the lower castes, particularly from the Dalits (who were once known as "untouchables", "scheduled" caste and "Shudras"), the protection from torture should be considered also as a very important step towards the protection of marginalized groups and minorities.

7. Problems relating to torture and inhuman and degrading punishment similar to those in India and Sri Lanka also prevail in Pakistan, Bangladesh and Nepal.

8. In Cambodia, the prosecutors often get complaints relating to torture and inhuman and degrading punishment. Since the 1980s, confessions have been the main evidence used against the accused. Though the 1993 Constitution has imposed restrictions on such use of confessions, this has had very little practical impact. There is no legal forum before which any victim of torture can place his/her complaints. Even the Government openly accuses the courts of corruption and the Minister of Justice suspended two senior judges in December 1999. Torture is used also for the purpose of making illegal profits.

9. A number of cases of political prisoners have brought to light the use of torture, and inhuman and degrading punishment in Malaysia. The assault by the Chief of Police himself on former Deputy Prime Minister Anwar Ibrahim while he was in prison created an uproar in Malaysia and outside. A number of accused in other trials related to political cases also made public complaints about physical assaults and other forms of physical abuse, including the use of electric shocks.

10. Thus, it can be said, the abuse of the right to be free from torture, inhuman and degrading punishment widely prevails in most parts of Asia.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF DISAPPEARANCES AND SUMMARY EXECUTIONS

Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulatd in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10747 (E)

Enforced and involuntary disappearances in Sri Lanka

1. In the communications of the Asian Legal Resource Centre (ALRC) and the Asian Human Rights Commission (AHRC) we have exposed the situation relating to disappearances in Asia and, in particular, in Sri Lanka.

2. According to the United Nations Working Group on Enforced or Involuntary Disappearances, Sri Lanka is second only to Iraq in terms of the number of disappearances in a country. In terms of official statistics three Government-appointed commissions have reported on about 26,000 cases of disappearances. A further commission, which is still continuing inquiries into another 10,000 cases, has completed inquiries on about 4,000 cases. The Government claims that the prosecutions are under way for about 400 out of the 4,000 cases. Even this figure is disputed by many organizations in the country. Even if it were true, it is just a handful of cases out of the total number quoted above.

3. The major obstacle to the prosecution of the perpetrators is that there had been no criminal investigations into the disappearances when they occurred. The criminal investigations were prevented by special emergency regulation laws, the passage of which created the background for large-scale disappearances. The provisions of the Criminal Procedure Code relating to criminal investigations were suspended through special laws. The bodies were allowed to be disposed of without any report being filed before the courts or without any inquest. As most of the bodies were burnt there is no possibility of examining them during belated inquiries. Further, as the alleged perpetrators are the law enforcement officers themselves, there is no possibility of conducting a credible inquiry into disappearances by the normal process of criminal investigations through the agencies of the police. The demand for the appointment of a special agency for investigating disappearances has not been heeded.

4. Added to all this is the general collapse of the criminal justice system in Sri Lanka.

5. As is well known, mass disappearances affect large numbers of people who are relatives, neighbours, friends and other acquaintances of the disappeared person; they also affect the society at large and shake the moral foundation of a given society. As a result of public indifference to the fate of disappeared persons, the families of these disappeared persons have become demoralized and have had to resort to their own means to deal with the consequences of disappearance. As many efforts by them over a period of around 10 years have borne so little result the families of the disappeared have lost faith not only in the legal system but even in the civil society which has failed to respond adequately to the grave injustices done to them.

6. It remains a fundamental human obligation towards the families of the disappeared to respond to the issue of disappearances and make it a fundamental issue of concern to the community at large as well as to the State.

7. The most likely outcome of the present situation is that except for a very few cases no prosecutions will be instituted. The reason is that there had been no criminal investigations into these cases. So, despite many protests by local people and organizations, by the international

community, by the Working Group on Enforced or Involuntary Disappearances and the Commission on Human Rights itself at several of its sessions, the matter of the prosecution of the perpetrators of over 30,000 offences has reached a dead end.

8. If the matter is to be resurrected, the first step to be taken is to appoint an independent and credible commission to undertake criminal investigations into disappearance cases. A credible commission of inquiry needs to have an adequate legal mandate and resources. Sri Lanka has in many ordinary criminal cases sought the assistance of foreign criminal investigation expertise, for example, from Scotland Yard. In some investigations into mass graves, Sri Lanka had invited foreign experts. Therefore nothing is preventing foreign participation in the criminal investigations into cases of disappearances. In fact, such participation will add credibility to such a criminal investigation commission.

9. However, the appointment of such a commission can only happen if the international community, the Working Group on Enforced or Involuntary Disappearances, the United Nations High Commissioner for Human Rights and the Commission on Human Rights itself take a serious interest in this matter. They have every reason to take such an interest, what has taken place in Sri Lanka in terms of mass disappearances is a crime against humanity. The local commissions have concluded that most disappearances that occurred in Sri Lanka were killings after arrest, they have further concluded that disappearances were carried out as part of a plan approved by the highest political authorities. In terms of the number of persons killed, the Sri Lankan case is much worse than the East Timor case. It is also much worse than the case of the Chilean dictator Pinochet.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[29 December 1999]

Right to a fair trial in Asia

1. The International Covenant on Civil and Political Rights (ICCPR) guarantees fair trial. The provisions on due process contained in this convention are an integral part in the safeguarding of fair trial. However, in several countries in Asia there are considerable threats to the right to a fair trial.

2. In Cambodia, the limitations on fair trial arise from several factors. Cambodia as yet does not have a comprehensive penal code or criminal procedure code. What is used as the penal code is a document produced during the period of the United Nations Transitional Authority for Cambodia (UNTAC), entitled "Guidelines for a criminal procedure in Cambodia". This short document of about 44 pages was designed to be a guideline for drafting a comprehensive criminal law and procedure. This document mentions about 40 criminal offences. Owing to the limited number of offences many acts which constitute crimes in most countries are not considered as crimes. For several years there had been many attempts to complete a penal code and a criminal procedure code, also with the assistance of several international agencies. However, no legal document has yet been passed by the legislature. This absence of a penal code and a criminal procedure code remains a great impediment to guaranteeing the right to fair trail in Cambodia. Besides this, the majority of the poorly paid judges (with a monthly official salary of about US$ 20) are not qualified legal professionals. As a result, without comprehensive legal and judicial reform, the right to fair trial cannot be guaranteed in Cambodia. Though the Constitution of Cambodia recognizes the presumption of innocence of the accused, in actual practice a person is presumed guilty by the time the person is produced in court. The guilt or innocence is determined during the pre-trial stage, which takes place before prosecutors. The prosecutor's inquiries are private and are not open to the public. This procedure is very much open to suspicion. The international community can contribute a great deal towards reform by way of technical assistance, to which the Government of Cambodia has remained open.

3. There have been considerable obstacles to fair trial in Sri Lanka. Sri Lanka has very comprehensive legislative provisions to guarantee a fair trial. However, these provisions are often suspended under the emergency regulations and special laws such as the Prevention of Terrorism Act. During the operation of such laws what are usually considered offences under the normal law cease to be offences. For example, when the special legal provisions prohibit police officers below the rank of assistant superintendent from authorizing the disposal of dead bodies the result is the suspension of the provisions of the criminal procedure relating to investigations into crimes. As a result, even grave crimes such as murder are left univestigated. As criminal investigation is the first step to ensuring a fair trial, when no criminal investigation is conducted many crimes are simply not brought before a court. The number of cases which are left uninvestigated is on the increase. In the case of disappearances, the number of cases which have not been investigated according to the provisions of the Criminal Procedure Code of Sri Lanka is over 30,000. As a result of the failure to investigate serious crimes such as murder, a general attitude has developed in the police of selectively investigating crimes. This has led to the loss of faith in the judicial system among the people, and discourages people from reporting crimes. This was illustrated in a well-known case called the Hokandara murder case where all the members of a family involved in a land dispute were killed one by one as they returned home over a period of about eight hours. No neighbour went to complain to the police during all that

time. This incident shook the nation, demonstrating the extremely low level of faith in the criminal justice system among the people. The police have often complained that they are unable to act independently as the politicians constantly interfere. In the criminal justice system in Sri Lanka serious crimes are prosecuted on the basis of files of criminal investigations submitted to the Attorney General's Department by the police. When a crime is not investigated, no criminal file is submitted and therefore no case is filed before court. The present impasse in criminal investigations can be overcome if an independent prosecutor's office is created and vested with the responsibility of supervising criminal investigations. The present legal arrangement for the Attorney General to act as the prosecutor is inadequate as the Attorney General is officially the legal adviser to the Government and is publicly perceived as directly under the influence of the Government in power. Thus, if fair trial is to be ensured for all victims of crimes a drastic change in the system of prosecution in Sri Lanka is unavoidable.

4. Recently, some cases involving prominent political personalities in Malaysia have caught the attention of the world. The procedures in these cases raise questions relating to fair trial. The threats to lawyers acting on behalf of the accused, the restrictions placed on the accused to call for evidence to counteract the evidence placed by the prosecution, the special restrictions placed on the media in reporting cases and the abuse by police of their powers have raised serious doubts about whether the accused in politically sensitive cases can have a fair trial.

5. Under the military rule in Myanmar, it can be said without exaggeration that there is no right of fair trial for persons who have been placed in the position of the "accused" for political reasons. Those cases are not heard in open court but often in military camps and prisons. The verdicts are predetermined and there is no possibility of proving one's innocence.

6. In Viet Nam and China there have been attempts at legal reform. However, the stress of such reforms is more on commercial law and not on the basic criminal law and criminal procedure. Trial procedures in criminal cases have not seen any considerable change. The trial procedure still remains within the framework of the former socialist legal framework in which the rights of the accused are subordinated to the prerogatives of the State. The execution of judgements within a very short time after the trial does not allow much room for an independent and impartial appeal process.

7. Criminal laws dating back over a century, an equally old but virile and well-developed judicial system and the provisions of the Constitution ensure the essentials of fair trial in India. An independent and strong bench and bar, a free press and effective forums for agitating against abuse/misuse of authority and the denial of rights through writ jurisdiction of the courts and public interest litigation (PIL) have made fair trial part and parcel of the liberal democratic institutions for good governance in India. Even the rigours of ad hoc special laws have been toned down by public opinion and intervention of the judiciary. Recently, the Supreme Court laid down a procedure for the police when arrests are made, including an effective charter of rights for accused persons and suspects. However, years of neglect and the low priority of modernization and reform have rendered certain areas of the criminal justice system dysfunctional, adversely affecting the quality of the service delivered. Arbitrary arrests as preventive actions by police, delay in producing suspects before the courts within the statutory minimum time frame, refusal of bail, delay at the stages of investigation and trial, with "under-trials" languishing in custody for long periods, the lower judiciary steadily becoming

suspect, the deteriorating standards of the legal profession, the very unsatisfactory conditions of jails, prison and halfway houses and, more importantly, the failure to reform the police and the prison subsystems are the weak links in the generally strong and vibrant criminal justice system of India. Political appointment of public prosecutors and government pleaders, the Director of Prosecution, Advocate General, etc., as in a "spoils system", has introduced an element of bias in the functioning of these officials. The arrangement for legal assistance to indigent accused in trials has yet to develop into an effective institution. The poor and illiterate accused generally receive low-quality defence. An element of gender disadvantage is noticed in respect of women in the application of criminal laws. This is evident from the massive response to the Women Commissions instituted by certain states for attending to crimes against women, domestic violence, and crimes related to dowry/inheritance. The criminal laws need revision and rewriting, along with the police and prison laws. Police and prison reforms have to be introduced and implemented in earnest to make fair trial institutions deliver without discrimination in India.

8. The Constitution of the Kingdom of Nepal, 1990, has envisaged the standard of criminal justice as guaranteed by the international instruments. The practice, however, suffers from serious weaknesses. Certain fundamental rights, like the right to legal assistance by a legal counsel of choice, the right to be protected against arbitrary arrest and detention, etc. are under continuous attack by investigating and prosecuting agencies. In brief, a study on the criminal justice system carried out by the Center for Legal Research and Resource Development has pointed out the following weaknesses that thwart fair trial in Nepal, the practice of arbitrary arrest and detention is phenomenal; the warrant or notice of arrest and detention is not given to the suspect in an overwhelming number of cases; confession has been effectively used to convict the accused, and as such torture is commonly used to extract confessions, obviously violating the right to remain silent; the suspect is never given information concerning the charge and ground of arrest; grant or rejection of bail is not guided by facts and evidence but by the personal discretion of the trial judge; security bonds in the form of cash or assets for bail are often required, hence poor people are incarcerated simply for their inability to procure bond, making justice accessible only to wealthy people; the trial courts, absent the right of the accused to a defence by a legal counsel or himself/herself, grant extensions of police custody for prolonged periods pending investigation; continuous trial is not ensured, and thus people have to wait a long time for the final hearing.

9. Given the problems that exist in terms of fair trial in the countries mentioned above, as well as in several other countries, the Asia Legal Resource Center (ALRC) urgently recommends the appointment of a special rapporteur to investigate and report on the persistent obstacles to fair trial in Asia, their causes and consequences. He or she should, in consultation with practising professional lawyers, advocates and judges, as well as national and regional human rights advocates and organizations in the region who have direct experience in dealing with these problems in the respective countries, make recommendations as to how to eliminate these obstacles.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10723 (E)

Violation of the human rights of women in Asia

1. The 1995 Beijing Platform for Action, which contained a comprehensive list of recommendations for the integration of the human rights of women and the gender perspective in all the concerns of the States Members of the United Nations, is currently under review by States as well as non-governmental organizations. The general impression of the progress made on implementation of the Platform for Action is that the gains which have been achieved, mostly by the tenacious efforts of NGOs, are miniscule compared to the persistence of discriminatory policies and violent practices committed by the State as well as private citizens or groups. Women are still impeded from participating in the society as equals, and are punished, either personally or as a group, when they defy or, through no fault of their own, are in contravention of the rules and controls which society imposes on them.

2. ALRC would like to highlight the following serious and systematic violations of the human rights of specific groups of women in some Asian countries. This is the life-threatening violence which is perpetrated on Asian women on a daily basis.

3. Myanmar: women in a war situation. The women and children of Myanmar bear the brunt of the suffering as the result of one of the longest civil wars of this century. Over 200,000 refugees, most of them women and children, have fled to Thailand. Women flee their country because under the SPDC (State Peace and Development Council) military dictatorship, women and children are forced by the military to build roads and rebuild buildings. They are not paid for their work and are beaten if they do not work hard enough. In the war zones, ethnic minority women are forced by SPDC soldiers to carry heavy loads of ammunition and supplies through the jungle. At night these women and girls are raped by the soldiers. In some cases, women and children have been used as minesweepers or as human shields during fighting.

4. Poverty and the lack of democracy under military rule in Myanmar have denied women adequate food and access to decent health care and many children cannot attend school. Thousands of women and girls each year leave Myanmar to work in prostitution in Thailand, in order to escape forced labour by the military and in order to sustain themselves and their families.

5. India: Dalit women - violence on the bases of caste and gender. Fifty years after independence, successive Governments of India have not made any progress in the elimination of discrimination and the ensuing violation of the rights of the Dalit population. Dalits (also referred to as "untouchables"; "Dalit" = "Broken" people) are deemed the lowest caste of human beings in the highly caste-stratified/conscious Indian society. They may not enter the higher-caste sections of villages, may not use the same wells, may not wear shoes in the presence of upper castes, may not visit the same temples, may not drink from the same cups in tea stalls or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms. Dalit villagers have been the victims of many brutal massacres in recent years. Since the start of a Dalit rights movement in 1990, violence against Dalits has increased proportionate to the growth of the movement.

6. The "Charter of Dalit Human Rights" drawn up by the National Campaign on Dalit Human Rights describes the numerous violations of the rights of Dalits. The Indian Government

must be held accountable for the structural denial to 260 million Dalit men, women and children of their rights to have access to resources to maintain their livelihood, to education and adequate health care, and to participate in social, political and economic institutions. But, according to the Campaign Charter: "In India, the State and civil society go hand in glove in the denial of rights to the Dalits. While the State abets violations by the civil society it is forced to take sides with the dominant caste society in its favour."

7. Dalit women suffer threefold discrimination: on the basis of gender because they are women, on the basis of caste, because they are Dalits, and, as Dalit women, by their own menfolk (bases of gender and caste). In India caste and gender discrimination are perpetrated in their worst forms on Dalit women. The main areas of discrimination are with respect to the right to work and to just and favourable conditions of work, violations of article 23 of the Universal Declaration of Human Rights and articles 6 and 7 of the International Covenant on Civil and Political Rights.

8. Dalit women's labour is labelled unskilled and, therefore, is unrecognized, underpaid, and even unpaid. About 85 per cent of Dalit women work in the agricultural sector, which is unorganized and does not have the social security benefits found in organized sectors, such as maternity benefits, medical support, etc. Dalit mothers have to bring their infant children with them to work in the fields, where there are no childcare facilities. Sometimes they are not allowed to do this, and lose their jobs in the agricultural sector.

9. In urban areas, Dalit women also work in the unorganized, self-employed sector as hawkers, scrap collectors, petty traders and house servants. Or they may earn wages in domestic work, construction or small-scale manufacturing. In some areas Dalit women work as nightsoil removers, without any considerations for hygiene, for as little as one roti per day. All these sectors of employment are characterized by low wages, irregular work and wages, absence of social security, sexual harassment, and dependency on the whims of middlemen and employers.

10. Almost all Dalit women workers enter the labour market before the age of 20; 31 per cent of all girl children from Dalit communities are child workers. Girls' labour is needed, in agriculture and in household work, and poor people will choose not to spend money on the education of girls. Thus, there is a higher dropout rate for Dalit girls at all levels, and over 83 per cent drop out of school at the secondary stage. In addition, women are the ones who mainly take responsibility for cleaning, maintaining and running a household, and in fact, 70-75 per cent of Dalit households are female-headed. Since, on an average, 70 per cent of Dalit households have no electricity and more than 90 per cent have no sanitation facilities, Dalit women (and girls) have to spend a great amount of energy doing household labour, walking long distances to collect food, fodder, fuel and water.

11. Violation of the right to life and security, and freedom from torture or cruel, inhuman or degrading treatment or punishment (Universal Declaration of Human Rights, arts. 4,15,12). Incidents are regularly reported in various newspapers, in different states of India, illustrating the systematic manner in which Dalit women are subjected to extreme inhumane treatment, as punishment for asserting their rights, or standing up to dominant castes. Often police are standing by, or have done nothing to prosecute the perpetrators of crimes such as the following:

(a) Amta, 30, of Randevi village, under the jurisdiction of the Nakud police station, had her face blackened and her bottom thrashed for accusing two of her neighbours of a theft at her house (*Hindustan Times*, 18 September 1997);

(b) Five teenage girls in Bihar were raped and mutilated in an attempt by landlords to reassert authority over increasingly vocal Dalits. All five girls were shot in the vagina and their breasts cut off. In addition to the organized massacres of the residents of entire Dalit villages, private armies in Bihar practise unlawful and dehumanizing programmes aimed at insulting members of the lowest castes and preventing their rise in society. One of the most heinous crimes the Savarna Liberation Army's (SLA) mass rape campaign, conducted between March and July in Gaya and Jehanabad districts, when more than 200 Dalit women between the ages of 6 and 70 were raped. The perpetrators of these crime publicized each of the incidents. Because of the stigma attached to rape victims, the operation was such that it broke the morale of Dalits in many villages (*Frontline*, 12 March 1999);

(c) In Andhra Pradesh, a Dalit woman was paraded naked by upper-caste people following a petty dispute over using water from a borewell at Malasamudram village in Anantapur district. Thirteen people were arrested in this connection. The Dalit woman had argued with upper-caste women about her right to use the borewell. Later, the upper-caste people went on a rampage, damaging houses of Dalits and beating up the women (*The New Indian Express*, 19 September 1999).

12. Pakistan: sexual harassment at work and on the streets. Women in Pakistan are constantly being harassed, at work and on the street. But they do not report these incidents for fear of being restricted in their movements, the only form of "protection" available. Women also fear retaliation, stigmatization, and the uncooperative and humiliating attitude of officials and law enforcers. "If we raise a voice against such harassment, we are told that we should not go out of our homes", one woman dejectedly says. "Once I reported to policemen at a checkpost that I was being chased and teased but they asked me instead why I wasn't wearing a veil", says another. Human rights and women's organizations, both non-governmental and governmental, have acknowledged the seriousness of the situation.

13. The Human Rights Commission of Pakistan (HRCP) said in its annual report for 1999 that "It was not unusual for women to encounter remarks or experience physical push and shove in offices and shops, in houses and in other public places. These have ceased to offend only because of their recurrence." In Punjab Province, the HRCP documented 242 cases of crimes against women reported in the newspapers and magazines. Of these 113 were attempted rape incidents, and 77 involved stripping and assault of women in public. However, only fewer than half of the cases were registered with the police, and in only 23 of those cases were the accused taken into police custody. Although the Pakistan Penal Code prescribes punishments for sexual harassment offences, often policemen turn a blind eye even when they are approached by women.

14. The Islamabad-based Progressive Women's Association believes every second woman in Pakistan is a victim of a direct or indirect form of mental or physical violence. The most vulnerable are those who work in the informal sector, like domestic and brick-kiln workers.

15. An internal document assessing the impact of Islamic laws on women says: "In the past 15 years, discriminatory laws, along with exploitation of religion to control women's sexuality and productivity have been instrumental in increasing institutionalized violence in women's lives, both in the incidence of violence against women and in the number of women in prison."

16. The Government is committed to eliminating all forms of gender discrimination under the Convention on the Elimination of All Forms of Discrimination against Women. The Government's National Plan of Action (NPA), a follow-up to the 1995 Beijing Conference prepared in consultation with women's groups and rights organizations, admits to widespread sexual violence against women in the country, saying that it is rooted in the patriarchal system of male domination and female subordination. The NPA hoped to put in place redress mechanisms, where women could file complaints, by 2000. Also, management and labour inspectors were supposed to monitor sexual harassment in the workplace, but these measures have yet to materialize.

17. These are but a few situations, but they illustrate that deep-rooted prejudices against women still persist in Asian societies today. It is the responsibility of Asian Governments to take measures for radical change, in order for progress to be made in the protection and enhancement of the human rights of women, and so that all women can live lives free from discrimination and violence.

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by the North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

SELF-DETERMINATION OF THE IRAQI PEOPLE

1. Security Council sanctions against the Iraqi State have become a permanent punishment imposed on the entire Iraqi people. In addition to the multilateral sanctions, the United States and the United Kingdom unilaterally carry out almost daily bombardments of civilian populations and impose no-fly zones, creating a situation of permanent insecurity and making it impossible for Pope John Paul II to visit Iraq. The United States has done everything possible to stop the Pope from showing his solidarity with the Iraqi people, who are the victims of an embargo repeatedly condemned by the Catholic Church.

2. The United States also continuously interferes and is undermining the self-determination of the Iraqi people by overtly organizing and financing the Iraqi opposition, forcing it to toe the American line.

3. The Security Council, whose mandate is to ensure the settlement of conflicts and maintenance of peace, is imposing a sort of de facto protectorate on Iraq, which has resulted in the total destruction of the national economy (which has been set back by several decades) and deaths in large numbers among the weakest segments of the population (children, the sick, the destitute, etc.), and which makes for an uncertain future (particularly because of drop-outs from school as a result of disorganization and poverty).

4. Security Council resolution 1284 of 17 December 1999 renews the "oil-for-food" programme, a supposedly "humanitarian" measure that does not safeguard the basic right to food but makes it possible to hold down oil prices, and strengthens control over Iraq: it sets up a new body, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), to oversee the disarmament of Iraq and provide the United States with a possible pretext to prevent any sanctions from being lifted.

5. The fate of the Iraqi people thus depends on the rivalries between the major Powers and the manoeuvring of the United States, which has been noticeable on earlier occasions, notably in the framework of the United Nations Special Commission (UNSCOM) and the Sanctions Committee. This practice is contrary to the fundamental principles of the Charter of the United Nations and violates the Iraqi people's right to self-determination.

6. It would therefore appear that the Commission on Human Rights should deal not only with the overall consequences of the embargo that call into question human rights as a whole, but also the effects of the deadly American and British military strikes, which violate humanitarian law, and also the harmful effects of the "oil-for-food" resolution and the functioning of UNMOVIC, in order to help lift the sanctions that have been in force for 10 years.

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The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization

For the Palestinian, Lebanese and Syrian peoples, victims of military occupation

1. Certain foreign occupations provoke immediate and widespread international reaction. Such was the case when Kuwait was annexed in 1991. Others are tolerated or condoned by the great Powers acting in accordance with their interests alone.

2. This is true of the occupation of the West Bank and Jerusalem, which for more than 50 years has deprived the Palestinian people of its State, its land and its capital. The same applies to the Golan and southern Lebanon, which have been occupied by the Israeli army for several decades and have endured its totalitarian reaction to all signs of resistance, which are nevertheless perfectly legal according to international law. The occupier benefits from the leniency and protection of the great Powers, in defiance of a multitude of resolutions adopted by the General Assembly and regional organizations.

3. By its failure to condemn these occupations, which openly violate international law and the rights of the Palestinian, Lebanese and Syrian peoples, the United Nations cannot pretend to a legitimate role in settling disputes elsewhere in the world. The Commission on Human Rights should therefore reaffirm to the State of Israel the fundamental principles of international law in respect of human rights and consider measures to end these military occupations altogether.

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

The peoples of French Guyana and the French West Indies

1. Although the last vestiges of imperial rule are fading into history (return of Hong Kong and Macau to China, return of the Panama Canal, etc.), and foreign occupation is the object of almost universal condemnation and negotiation aimed at bringing it to an end (the Golan, southern Lebanon, the West Bank, etc.), certain peoples are still being denied the right to self-determination.

2. Such is the case of the peoples of French Guyana and the French West Indies, which have been artificially granted the status of "departments" within the French Republic. This departmental status, which has existed for 53 years, has stifled the healthy development of an independent ethnic culture distinct from that of France. Half of the population lives in a lopsided and still underdeveloped economy, relying solely on social benefits from a State that is unable to guarantee the constitutionally enshrined right to work.

3. Integration is imposed without assimilation. It is time for France to recognize the existence of peoples in French Guyana and the French West Indies whose identity is the result of a history of slavery and colonization and a specific culture. France therefore has a duty to allow its overseas populations to freely determine their future following an open dialogue between all the parties concerned. The adoption of stopgap economic measures not only represents a refusal to respect the fundamental and universally recognized right to self-determination but also stores up costly and tragic human consequences for the future.

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement* submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

Racism and discrimination in the developed countries

1. In the developed European countries, racism and racial discrimination are the subject of discussions and analyses and in some cases result in the establishment of bodies such as the "Study Group on Discrimination", set up in 1999 by the Government of France.

2. However, the praiseworthy effort to "observe" discrimination and automatically condemn it should not be confused with the effort to actually "treat" it.

3. In the European countries as a whole, latent racism is an obstacle to everyday life in many ways (access to employment and housing, refusal to do business, relations with administrations or employers) and arises in political life, in particular with regard to candidatures for elections.

The bodies responsible for action to combat discrimination themselves attach little importance to trade unions, associations to combat racism or the victims of discrimination themselves, as if their objective was simply to obtain extra support for their political manoeuvres.

4. The Commission on Human Rights cannot disregard discriminatory and racist practices taking place in the most developed countries, which proclaim themselves the universal guarantors of human rights. It must not be satisfied with legislation condemning racism and discrimination, but must take into consideration court decisions, often lenient towards offences based on racism, and the actual situation in societies rife with discrimination and xenophobia.

In accordance with United Nations General Assembly resolution 52/111 of 12 December 1997, the Commission on Human Rights must "formulate concrete recommendations to further ... measures" in the European industrial countries where racism and xenophobia, although not "open", remain an everyday reality.